

REMARKS

Claim Amendments

Claim 1 has been amended to add the provisos that when R_3 is H or CH_2 that R^4 is not H or CH_2 , and that when R_4 is H or CH_2 that R_3 is not H or CH_2 . Support for this amendment can be found in the claims in the international application as originally filed. It is noted that Claim 1, as originally filed included $(CH_2)_n$ as one of the possible structures for constituent E. During international prosecution, $(CH_2)_n$ was deleted from the claim in order to remove an alkyl group as a possible structure for constituent E. However, in order to fully remove alkyl as a possible structure for constituent E, the recited provisos are necessary. Since it was clear in the original claim that alkyl was one of the possibilities for constituent E, no new matter is added by fully removing it from the claim.

Restriction Requirement

Restriction is required under 35 U.S.C. 121 and 372.

- Group I: Claims 1, 2, 4, 5, 7-9, 11, and 12 (all in part), and 30, drawn to a molecule of formula I wherein B is phosphate.
- Group II: Claims 1, 2, 4, 5, 7-9, 11, and 12 (all in part), drawn to a molecule of formula I wherein B is phosphonate or phosphothionate.
- Group III: Claims 1, 2, 4, 5, 7-9, 11, and 12 (all in part), drawn to a molecule of formula I wherein B is sulfonate.
- Group IV: Claims 1, 2, 4, 5, 7-9, 11, and 12 (all in part), drawn to a molecule of formula I wherein B is carbamate.
- Group V: Claim 13, drawn to a method of treatment comprising administering a compound of Group I.
- Group VI: Claim 13, drawn to a method of treatment comprising administering a compound of Group II.
- Group VII: Claim 13, drawn to a method of treatment comprising administering a compound of Group III.
- Group VIII: Claim 13, drawn to a method of treatment comprising administering a compound of Group IV.
- Group IX: Claims 20-28, drawn to a process for preparing a compound of Group I.

Response to Restriction Requirement

Applicants elect Group I, encompassing Claims 1,2,4,5,7-9, 11, and 12 (all in part), and 30, drawn to a molecule of formula I wherein B is phosphate.

Request for Rejoinder

Upon allowance of Group I claims, Applicants respectfully request rejoinder of withdrawn Claims 13 and 20-28, which ultimately depend from elected Group I claims and include all of the limitations of Claim 1.

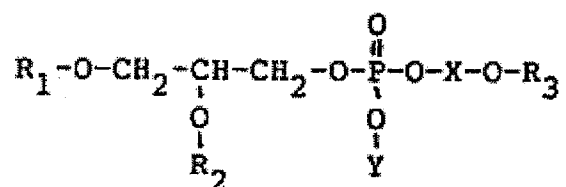
Species Election Requirement

Applicants were required to elect a single species from the following disorders: asthma, allergic rhinitis, dermatitis, psoriasis, inflammatory bowel disease including Crohn's disease and ulcerative colitis, rheumatoid arthritis, multiple sclerosis, diabetes, systemic lupus erythmatosis and atherosclerosis. Applicants have not elected any of Groups V through VIII. Nevertheless, for the record, and in the event of rejoinder, Applicants elect asthma. Claim 13 reads on the elected species.

Traversal of Restriction Requirement

Notwithstanding the foregoing elections, Applicants traverse the requirement insofar as it requires restriction between Groups I-IV because the inventions do relate to a single general inventive concept as envisaged by PCT Rule 13.1 and Rule 13.2.

The Office Action states that the claims of Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because under Rule 13.2, they lack the same or corresponding technical feature for the following reason: Wan et al. (WO 94/21656) teaches a compound of the following formula:



Wan et al. defines X as alkyl, substituted alkyl, alkenyl, substituted alkenyl, alkynyl, substituted alkynyl, aryl, substituted aryl, arylalkyl and substituted arylalkyl. In contrast, the corresponding spacer or linker group E defined in the present claims is selected from the group consisting of -cyclohexyl- and -CHR₃-CHR₄- wherein R₃ and R₄ are independently H, CH₂OH,

CH₂-, or (CH(OH))_m-CH₂OH or CH((CHOH)_mCH₂OH)-; and wherein m=1 to 6, with the provisos that when R₃ is H or CH₂ that R⁴ is not H or CH₂, and that when R₄ is H or CH₂ that R₃ is not H or CH₂. During international prosecution, (CH₂)_n was deleted from Claim 1 with the intention of removing alkyl as a possibility for E. To more clearly distinguish from Wan et al., the Applicants have further amended the definition of E in Claim 1 by adding the provisos underlined above to fully remove alkyl as a possible structure for constituent E. In view of the amendment to Claim 1, the presently claimed molecules do not read on Wan et al. Moreover, the recited cyclohexyl- and -CHR₃-CHR₄, in which R₃ and R₄ include OH groups, are not even structurally similar to the groups disclosed by Wan et al. Accordingly, Groups I-IX relate to a single general inventive concept because they all recite the same special technical feature of the molecule of Formula I.

The Examiner has made the restriction based on group B in general formula I (A-B-E-D). However, group B comprises a family of well established compounds that simply provide a heteroatom polar group that links the glyceride having formula 1a or 1b (A in formula I) to the lipid portion of the molecule D by way of stable linker E. The group B family of compounds comprise phosphate, phosphonate, sulfonate, carbamate and phosphothioate. A skilled worker in the field of synthetic organic chemistry would understand that this group of compounds represents the single inventive concept of a polar heteroatom based linking group. Accordingly, the restriction is improper and the requirement should be withdrawn.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/580,147
Filing Date: March 30, 2007

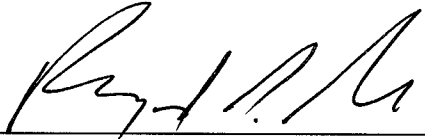
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 23, 2009

By: _____


Raymond D. Smith
Registration No. 55,634
Agent of Record
Customer No. 20995
(949) 760-0404

6833537
031809